

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

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FOR COURT USE ONLY

☐ Individual appearing without attorney
☒ Attorney for: Timothy J. Yoo, Chapter 7 Trustee

In re:

TERRANCE ALEXANDER TOMKOW,

CASE NO.: 2:13-bk-19712-WB

CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Debtor(s).

Sale Date: 08/28/2014

Time: 10:00 am

Location:

☒ Public

☐ Private

Last date to file objections: 08/14/2014

See attached Exhibit 1

Condition of Assets: Assets purchased "as-is" without any representations or warranties of any kind

Proposed sale price: \$ 25,000.00

Overbid procedure (if any): See Proposed Overbidding Procedures attached as Exhibit 2 hereto.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Carmela T. Pagay, Esq.
Levene, Neale, Bender, Yoo & Brill L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, CA 90012
Telephone: (310) 229-1234
Facsimile: (310) 229-1244
Email: ctp@lnbyb.com

Date: 08/06/2014

EXHIBIT 1

LIST OF ASSETS

(a) The estate's right, title, and interest in:

(1) RPost International Limited, RMail Limited, RPost Communications, Ltd., RMail Technologies Limited, Momentex, Inc. and their affiliates and subsidiaries (the "RPost Companies"); (2) shares (scheduled or unscheduled by the Debtor or other affiliates/strawmen/family members but) held by others for the benefit of the Debtor and/or his affiliates/strawmen/family members (and/or in which the Debtor has a voting or other interest by proxy or otherwise) in any of the RPost Companies; (3) all shares which are later discovered (whether by Barton, the Trustee and/or otherwise, whether before or after the Court's approval of the sale of the shares to Barton) to be owned by or for the benefit of the Debtor and/or his affiliates/strawmen/family members; (4) any shares in additional RPost entities or other entities known or unknown foreign or domestic in which the Debtor and/or his affiliates/strawmen/family members hold an interest for the Debtor's benefit or grant the Debtor voting or proxy rights; (5) the sole right to set aside all Debtor/Debtor affiliate-strawmen-family, etc. share and related transactions; and (6) all rights related to obtaining and enforcing title to any and all shares and/or beneficial interests therein, all voting rights and all claims and/or rights of action incident to ownership thereof and all proceeds therefrom (collectively, "Debtor's Shares").

(b) the Debtor's (and/or Debtor's affiliates, strawmen/family members or person(s) holding for the benefit of Debtor) interest(s), rights, claims or title in and/or to:

(1) any intellectual property (patents, trademarks, tradenames, Assetss, etc.) in the US and worldwide (including, patents utilized by and/or held by or for any RPost Companies or their affiliates, the RPost entities' tradenames and trademarks) (and/or profit participation agreements related thereto), (2) any claims, rights of action and/or settlements related to same and all proceeds therefrom; and (3) profit participation, Assets, royalty or other similar agreements with any RPost Companies and/or any companies/persons known or unknown; and (4) all right, title and interest in and to any loans or other debts which the Debtor has scheduled or hereafter assert are owed to the Debtor by any of the RPost Companies and/or from any entities/persons whether or not disclosed on Debtor's schedules, original or amended (together with the Debtor's Shares, the "Assets").

EXHIBIT 2

PROPOSED OVERBID PROCEDURES

FOR PURCHASE OF ASSETS

1. Anyone interested in submitting an overbid with respect to the purchase of the Assets must attend the hearing on the Motion or be represented by an individual at the hearing (either in person or telephonically) with authority to participate in the overbid process.

2. An overbid will be defined as an initial bid of \$1,000 above the \$25,000 proposed purchase price or higher with each additional overbid to be in \$1,000 increments.

3. Overbidders (except for the Purchaser) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Timothy J. Yoo, Chapter 7 Trustee," in the amount of \$30,000 (the "Deposit") no later than noon on July 3, 2014.

4. Overbidders must purchase the Assets on the same terms and conditions as the Purchaser.

5. The Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Assets within 15 days of entry of the order confirming the sale.

6. In the event the successful overbidder cannot timely complete the purchase of the Assets, the Trustee shall be authorized to proceed with the sale to the next highest overbidder.

7. If there are any qualified overbidders, an auction of the Assets shall be held during the hearing on the Motion (on **August 28, 2014 at 10:00 a.m.**) at which time the Court shall determine the highest and best bid for the Assets.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90017.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SALE OF ESTATE PROPERTY**; will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 6, 2014**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Henry Ben-Zvi on behalf of Defendant RMAIL LIMITED
, rachel@ben-zvilaw.com

Henry Ben-Zvi on behalf of Defendant RPOST COMMUNICATIONS, LTD.
, rachel@ben-zvilaw.com

Henry Ben-Zvi on behalf of Defendant RPOST INTERNATIONAL LIMITED
, rachel@ben-zvilaw.com

Brandon L Cook on behalf of Creditor BANK OF AMERICA, N.A.
brandon.cook@bankofamerica.com, brandon.cook@bankofamerica.com

Nancy K Curry (TR) on behalf of Trustee Nancy K Curry (TR)
ecfnc@trustee13.com

Nicolas A Daluiso on behalf of Creditor BANK OF AMERICA, N.A.
ndaluiso@robinsontait.com,
ssears@robinsontait.com;mhunter@robinsontait.com;ncarson@robinsontait.com;tbitney@robinsontait.com

Jonathan J Damen on behalf of Creditor Bank of America, N.A.
BKnotice@rcolegal.com

Essa Gye on behalf of Creditor BANK OF AMERICA, N.A.
essa.gye@bankofamerica.com

Lewis R Landau on behalf of Debtor Terrance Alexander Tomkow
LLandau@HorganRosen.com

Lewis R Landau on behalf of Defendant Terrance Alexander Tomkow
LLandau@HorganRosen.com

Lewis R Landau on behalf of Interested Party Zafar David Khan
LLandau@HorganRosen.com

Lewis R Landau on behalf of Plaintiff Terrance Alexander Tomkow
LLandau@HorganRosen.com

Bonni S Mantovani on behalf of Creditor BANK OF AMERICA, N.A.
cmartin@pralc.com

Jeannette Marsala on behalf of Creditor BANK OF AMERICA, N.A.
jmarsala@houser-law.com, jmann@houser-law.com

Danette Murrell on behalf of Creditor BANK OF AMERICA, N.A.
danette.murrell@bankofamerica.com

Carmela Pagay on behalf of Trustee Timothy Yoo (TR)
ctp@lnbrb.com

Cassandra J Richey on behalf of Interested Party Bank of America, N.A., c/o Prober & Raphael
cmartin@pralc.com

Scott E Shapiro, Esq on behalf of Creditor Thomas Burke
scott@asattorney.com, doug@asattorney.com

Scott E Shapiro, Esq on behalf of Plaintiff 126736 CANADA, INC.
scott@asattorney.com, doug@asattorney.com

Scott E Shapiro, Esq on behalf of Plaintiff George Martin
scott@asattorney.com, doug@asattorney.com

Scott E Shapiro, Esq on behalf of Plaintiff Thomas Burke
scott@asattorney.com, doug@asattorney.com

Kquemura Smith on behalf of Creditor BANK OF AMERICA, N.A.
kquemura.r.smith@bankofamerica.com

Kendrick D Stribling on behalf of Creditor BANK OF AMERICA, N.A.
kendrick.stribling@bankofamerica.com

United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

Kristin S Webb on behalf of Interested Party Courtesy NEF
bknotice@rcolegal.com

Portia Worsham on behalf of Creditor BANK OF AMERICA, N.A.
portia.worsham@bankofamerica.com

Timothy Yoo (TR)
tjytrustee@lnbrb.com, tyoo@ecf.epiqsystems.com

Philip A Zampielo on behalf of Creditor Kenneth Barton
philipz@mkzlaw.com, PatrickM@mkzlaw.com;MichaelK@mkzlaw.com;VanessaB@mkzlaw.com

Philip A Zampielo on behalf of Defendant Kenneth Barton
philipz@mkzlaw.com, PatrickM@mkzlaw.com;MichaelK@mkzlaw.com;VanessaB@mkzlaw.com

Philip A Zampielo on behalf of Plaintiff Kenneth Barton
philipz@mkzlaw.com, PatrickM@mkzlaw.com;MichaelK@mkzlaw.com;VanessaB@mkzlaw.com

2. SERVED BY UNITED STATES MAIL: On **August 6, 2014**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Hon. Julia W. Brand

United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1382 / Courtroom 1375
Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 6, 2014**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA ATTORNEY SERVICE

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 6, 2014
Date

Marla L. Fuentes
Printed Name

/s/ Marla L. Fuentes
Signature